

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

JAMES TYRON EDWARDS,)	
#244 859)	
Plaintiff,)	
v.)	Civil Action No. 3:06-CV-740-MHT-SRW
SGT. MOORE, et al.)	
Defendants.)	

DEFENDANTS' MOTION FOR EXTENSION OF TIME

COME NOW Sheriff Thomas F. Boswell, Chief Deputy William Alexander, Lt Loetta Holland, Sgt Samuel Pierce Moore, and Sgt Danny Bussey, Defendants in the above-styled cause, and move this Honorable Court for an extension of time of twenty-one (21) days in which to file Defendants' Special Report. In support of this motion, Defendants show unto the Court the following:

1. On October 3, 2006, this Court entered an Order directing the Defendants to file a Special Report on or before November 14, 2006.
2. As ordered by this Court, the attorney for Defendants has been unsuccessful in conferring with the Plaintiff before the filing of the Special Report, as the current location of the Plaintiff has not been determined.
3. The gathering of information with which to formulate the Special Report has taken longer than expected, and due to the federal holiday on November 10, 2006, said attorney

has been unable to obtain the affidavits and evidence from the defendants and witnesses at the Russell County Jail to be used in support of the Special Report.

4. Defendants are in need of this additional time to respond and to fully comply with this Court's Order in preparing the Special Report.

5. Defendants have not previously requested an extension of time in this case.

6. Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file this Special Report up to and including December 5, 2006.

Respectfully submitted this 9th day of November, 2006.

s/Winthrop E. Johnson

WINTHROP E. JOHNSON, Bar No. JOH086

Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of November, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

**James Tyrone Edwards, Jr.
Russell County Jail/# 244 889
P.O. Box 640
Phenix City, Alabama 36868-0640
Please forward to Mr. Edwards' new address.**

s/Winthrop E. Johnson